

REPORT OF THE COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

Voting Members

Ron Menor, Chair; Carol Fukunaga, Vice-Chair,
Ikaika Anderson, Brandon J.C. Elefante, Ann H. Kobayashi, Joey Manahan,
Ernest Y. Martin, Trevor Ozawa, Kymberly Marcos Pine

Committee Meeting Held
October 18, 2016

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Executive Matters and Legal Affairs, to which was referred
Resolution 16-213 entitled:

"RESOLUTION (FOR CONDEMNATION) PROVIDING FOR THE ACQUISITION OF
LAND FOR PUBLIC USE, TO WIT: PUBLIC STREETS, SITUATE AT KAKAAKO,
OAHU HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE
ACQUISITION THEREOF BY EMINENT DOMAIN,"

introduced on August 18, 2016, reports as follows:

The purpose of this Resolution is to authorize the acquisition of land by eminent
domain for public use of the following streets in Kakaako: Curtis, Dreier, Cummins, and
Ilaniwai Streets and portions of : Kamakee Street from Waimanu Street to Kawaiahao Street,
Waimanu Street from Dreier Street to the intersection of the unnamed street segment
connecting Queen Street and Waimanu Street, Kawaiahao Street from Cooke Street to
parcel TMK: 203-003:103, and Queen Street from Cooke Street to parcel
TMK: 2-3-003-087.

Your Committee deferred action on this Resolution at its September 20, 2016
meeting.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON NOV 02 2016

COMMITTEE REPORT NO. 323

REPORT OF THE COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

Voting Members

Ron Menor, Chair; Carol Fukunaga, Vice-Chair,
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The Director of Design and Construction stood on the department's testimony provided at the Committee's September 20, 2016 meeting.

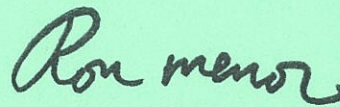
Your Committee received testimony from one individual in support of the Resolution. One individual submitted comments.

Your Committee was apprised of legal concerns and recommendation regarding the measure from the Department of the Corporation Counsel in executive session. Your Committee amended the Resolution to a CD1 version that adds a Section III that urges the City Administration to conduct due diligence in preparation to acquire certain public streets in Kakaako and makes technical and non-substantive changes.

Your Committee on Executive Matters and Legal Affairs is in accord with the intent and purpose of Resolution 16-213, as amended herein, and recommends that it be laid over in the form attached hereto as Resolution 16-213, CD1, at the November 2, 2016 Council meeting, be published, and thereafter be adopted at a subsequent Council meeting. (Ayes: Menor, Elefante, Fukunaga, Kobayashi, Ozawa, Pine - 6; Noes: None; Excused: Anderson, Manahan, Martin - 3.)

At the 11/2/16 Council meeting, the Resolution was further amended and laid over and published as Resolution 16-213, CD1, FD1.

Respectfully submitted,



Committee Chair

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CITY OF HONOLULU
NOV 02 2016

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

NOV 02 2016

COMMITTEE REPORT NO.

323



RESOLUTION

(FOR CONDEMNATION)

PROVIDING FOR THE ACQUISITION OF LAND FOR PUBLIC USE, TO WIT: PUBLIC STREETS, SITUATE AT KAKAAKO, HONOLULU, OAHU, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN.

BE IT RESOLVED by the Council of the City and County of Honolulu:

I.

That for public use and purpose, to wit: public streets, situate at Kakaako, Honolulu, Oahu, Hawaii, proceedings in eminent domain as provided by law be instituted for the acquisition of Curtis, Dreier, Cummins, and Ilaniwai Streets and portions of: Kamakee Street from Waimanu Street to Kawaiahao Street, Waimanu Street from Dreier Street to the intersection of the unnamed street segment connecting Queen Street and Waimanu Street, Kawaiahao Street from Cooke Street to parcel TMK: 2-3-003:103, and Queen Street from Cooke Street to parcel TMK: 2-3-003-087, as shown on the map designated as Exhibit "A," attached hereto and by reference made a part hereof.

That Corporation Counsel of the City and County of Honolulu be and is hereby authorized and empowered to institute said proceedings.

That acquisition by eminent domain is necessary for the aforesaid public use and purpose.

II.

That in the process of said proceedings in eminent domain, the Corporation Counsel be and is hereby authorized and empowered to negotiate the terms of settlement, subject to the approval of this Council and/or of the Court before which such proceedings are commenced.

ATTACHMENT TO CR-323



RESOLUTION

III.

That the City Administration is urged to complete the following steps in preparation of the acquisition of the streets and street segments listed in the preceding clause:

1. Determine the necessity for and placement of Public Infrastructure Map amendments;
2. Request adequate funding for acquisition of the properties in the FY 2018 budget;
3. Prepare a Parcel map and legal description of the property(ies) to be acquired;
4. Inform property owners and persons claiming ownership of the City's intent to acquire their property for the proposed project;
5. Prepare an appraisal of the property to be acquired for a basis to estimate just compensation; and
6. Make offers and give a reasonable time for the owners to respond to the City's offers.



RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor, the Managing Director, the Director of Design and Construction, and the Corporation Counsel.

INTRODUCED BY:

Carol Fukunaga

DATE OF INTRODUCTION:

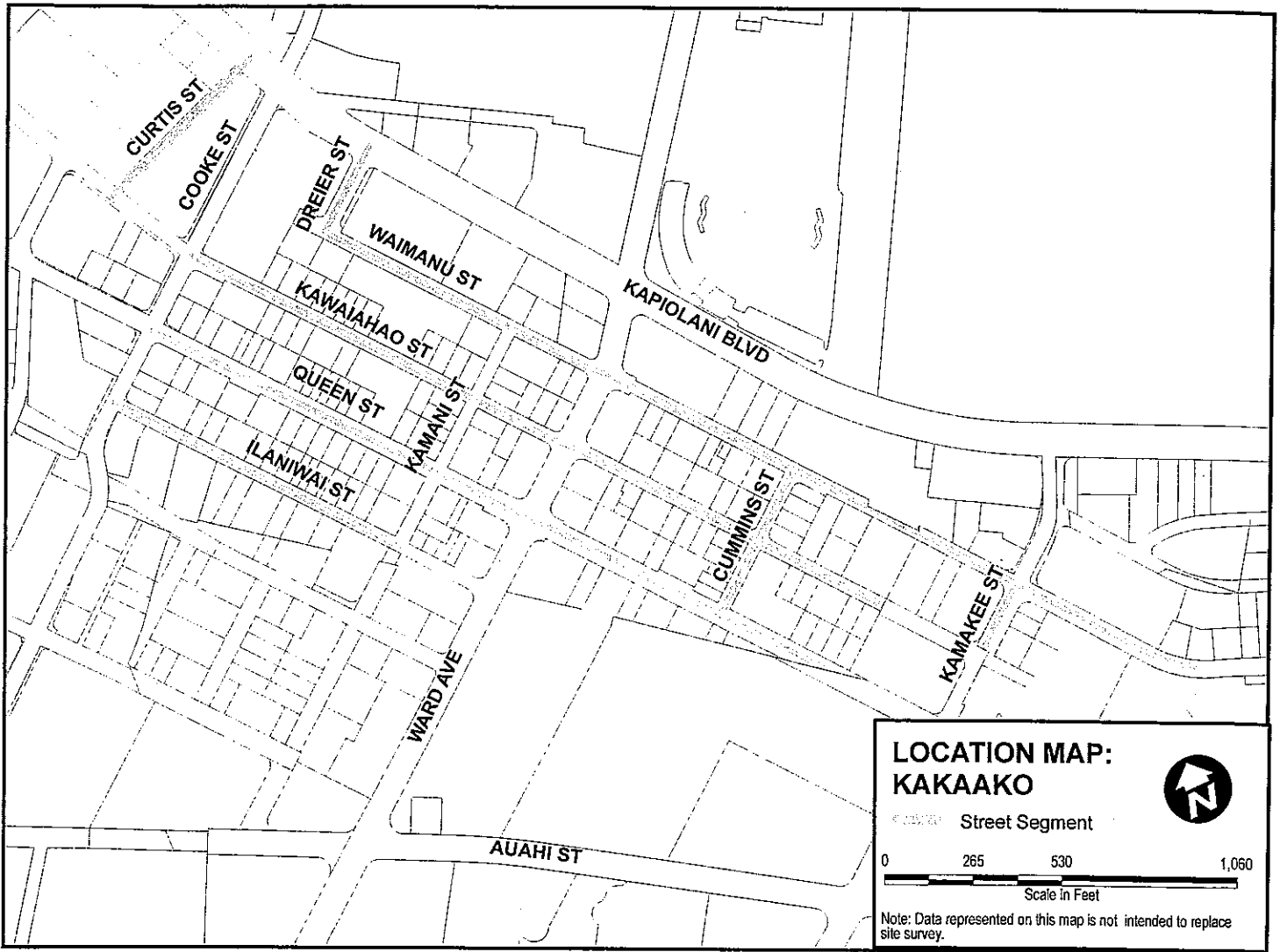
August 18, 2016

Honolulu, Hawaii

Councilmembers

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu



Prepared by: Office of Council Services
Date Prepared: August 2016

Exhibit A

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